

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**MISSISSIPPI STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE;  
DR. ANDREA WESLEY; DR. JOSEPH  
WESLEY; ROBERT EVANS; GARY  
FREDERICKS; PAMELA HAMNER  
BARBARA FINN; OTHO BARNES;  
SHIRLINDA ROBERTSON; SANDRA  
SMITH; DEBORAH HULITT; RODESTA  
TUMBLIN; DR. KIA JONES; MARCELEAN ARRINGTON;  
VICTORIA ROBERTSON**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

**STATE BOARD OF ELECTION  
COMMISSIONERS; TATE REEVES, *in his  
official capacity as Governor of Mississippi;*  
LYNN FITCH, *in her official capacity as  
Attorney General of Mississippi;* MICHAEL  
WATSON, *in his official capacity as Secretary  
of State of Mississippi***

**DEFENDANTS**

**and**

**MISSISSIPPI STATE REPUBLICAN  
EXECUTIVE COMMITTEE**

**DEFENDANT-INTERVENOR**

**JOINT STIPULATION AS TO DISCOVERY MATTERS**

COME NOW THE PARTIES, Plaintiffs, Mississippi Conference of the National Association for the Advancement of Colored People (“MS NAACP”), Dr. Andrea Wesley, Dr. Joseph Wesley, Robert Evans, Gary Fredericks, Pamela Hamner, Barbara Finn, Otho Barnes, Shirlinda Robertson, Sandra Smith, Deborah Hulitt, Rodesta Tumblin, Dr. Kia Jones, Marcelean Arrington, and Victoria Robertson (the “Plaintiffs”), Defendants, State Board of Election Commissioners, Tate Reeves, *in his official capacity as Governor of Mississippi*, Lynn Fitch, *in her official capacity as Attorney General of Mississippi*, and Michael Watson, *in his official*

*capacity as Secretary of State of Mississippi* (the “Defendants”), and the Mississippi State Republican Executive Committee (“Defendant-Intervenor”), and stipulate and agree as follows:

1. Plaintiffs hereby withdraw the four outstanding subpoenas for testimony served on former Representative Jim Beckett, Senator Dean Kirby, James F. “Ted” Booth and Ben Collins and agree not to seek any further discovery of any kind in this case from any legislator, staff or aide.

2. Plaintiffs agree not to seek bifurcation of their claims asserted under the Voting Rights Act from their claims asserted under the Fourteenth Amendment, now or at any time in the future.

3. Plaintiffs agree that they will not, now or at any time in the future, appeal the Dec. 1 Order [Dkt. No. 147] entered by Magistrate Judge Ball denying Plaintiffs’ motion to compel a privilege log.

4. Defendants agree not to seek to introduce at the trial of this matter any of the documents being withheld by themselves or the subpoenaed legislators, staff, and aides (including the Standing Joint Committee) on the basis of legislative privilege.

5. Defendants *do not presently intend* to call any legislator, legislative staff or aide, including any member or staff of the Standing Joint Committee. Defendants agree not to call any of the previously subpoenaed legislators, staff, and aides at trial, except as needed as rebuttal to respond to any claims, testimony, or other evidence at trial of statements and/or admissions alleged to have been made by them which (1) are not in the public record produced by the Standing Joint Committee and (2) have not been produced by Plaintiffs in discovery.

6. To the extent any of the previously subpoenaed legislators, legislative staff, and/or aides do waive the legislative privilege by testifying on privileged matters at trial, the Defendants

shall endeavor in good faith to give Plaintiffs at least 48-hours' notice before offering such testimony at trial. Notwithstanding any other provision of this Stipulation, if Defendants so notify Plaintiffs that a legislator, staff or aide has decided to waive the legislative privilege and will be called at trial, Plaintiffs may thereafter seek expedited discovery relevant to the subpoenaed party's testimony, including relevant documents and trial deposition testimony. Defendants reserve the right to oppose such expedited discovery on any applicable basis other than the legislative privilege.

7. Nothing in the preceding paragraphs has any application to the subpoenas served on Representative Robert Johnson, Senator Derrick Simmons, and Peyton Strategies LLC c/o Charles Taylor, Jr., Registered Agent.

8. The parties stipulate to the authenticity and admissibility of the public record produced by the Standing Joint Committee.

This the 13<sup>th</sup> day of December, 2023.

/s/ Joshua F. Tom

Joshua F. Tom (MSB No. 105392)

**ACLU OF MISSISSIPPI**

Robert B. McDuff (MSB No. 2532)

**MISSISSIPPI CENTER FOR JUSTICE**

Carroll Rhodes (MSB No. 5314)

**LAW OFFICES OF CARROLL RHODES**

Ari J. Sivitzky, pro hac vice

Kelsey Miller, pro hac vice

Ming Cheung, pro hac vice

Patricia Yan, pro hac vice

**ACLU FOUNDATION**

John P. Lavelle, Jr., pro hac vice

Drew C. Jordan, pro hac vice

**MORGAN, LEWIS & BOCKIUS**

Ezra D. Rosenberg, pro hac vice

Jennifer Nwachukwu, pro hac vice

David Rollins-Boyd, pro hac vice

**LAWYERS COMMITTEE FOR CIVIL  
RIGHTS UNDER LAW**

*Counsel for Plaintiffs*

This the 13<sup>th</sup> day of December, 2023.

/s/ P. Ryan Beckett

Rex M. Shannon III (MB #102974)

**STATE OF MISSISSIPPI**

**OFFICE OF THE ATTORNEY GENERAL**

**CIVIL LITIGATION DIVISION**

Tommie S. Cardin (MB #5863)

P. Ryan Beckett (MB #99524)

B. Parker Berry (MB #104251)

**BUTLER SNOW LLP**

***Counsel for Defendants***

This the 13<sup>th</sup> day of December, 2023.

/s/ Michael B. Wallace

Michael B. Wallace (MB #6904)

Charles E. Cowan (MB #104478)

**WISE CARTER CHILD & CARAWAY, P.A.**

***Counsel for Defendant-Intervenor***

***Mississippi State Republican Executive Committee***

**CERTIFICATE OF SERVICE**

I, P. Ryan Beckett, one of the attorneys for the Defendants, do hereby certify that I have this day filed the above and foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 13<sup>th</sup> day of December, 2023.

/s/ P. Ryan Beckett

P. Ryan Beckett

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